



28 JAN 2002

Paper No. 6

In re Application of
Norio Kimura *et al*
Application No. 09/777,707
Filed: February 7, 2001
Attorney Docket No. 4320

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: DECISION ON PETITION
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This is a decision on the petition filed on January 16, 2002 by which petitioners request that the shortened statutory period for filing a reply to the Office letter dated December 7, 2001 be re-set to run from the date upon which the Office letter was in fact received at the correspondence address of record.

The petition is granted.

Petitioners allege that the Office letter in question was received at the correspondence address of record on January 7, 2002. As evidence thereof, petitioners have included a copy of the Office letter which shows by reason of a stamped date of receipt that the Office letter, although mailed on December 7, 2001 was not in fact received until January 7, 2002. This showing is deemed to satisfy the requirements of MPEP § 710.06.

Accordingly, the shortened statutory period that was originally set for filing a reply to the Office letter originally mailed on December 7, 2001 is hereby VACATED. The shortened statutory period is re-set to run THREE MONTHS FROM THE RECEIPT DATE OF JANUARY 7, 2002. Therefore, a reply is due on or before April 7, 2002. The period for filing a reply may be extended in accordance with the provisions of 37 CFR 1.136(a).

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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